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| APPLICATION NO.                           | FILING DATE    | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|---|----------------|----------------------|-------------------------|------------------|
| 09/538,063                                | 03/29/2000     | Edward Behrens       | <del>"</del>            | 6573             |
| 75  | 590 10/01/2002 |                      |                         |                  |
| Thomas J Finn                             |                |                      | EXAMINER                |                  |
| Snell & Wilmer<br>One Arizona Co          | enter          |                      | PATEL, RA               | AMESH B          |
| 400 East Van Buren Phoenix, AZ 85004-2202 |                |                      | ART UNIT                | PAPER NUMBER     |
|   |                |                      | 2121                    | 0                |
|   | •              |                      | DATE MAILED: 10/01/2002 | 8                |

Please find below and/or attached an Office communication concerning this application or proceeding.

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| Office Action Summary  Examiner Ramesh Patel  2121  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Elevisories of time may be available useful the proteitions of 37 CFR 1.186(a). In or event, bowerer, may a reply be terrely fired when the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Elevisories of time may be available useful the proteitions of 37 CFR 1.186(a). In or event, bowerer, may a reply be terrely fired when the state of the manufaction of the protein of the |   |                                    | 7              | K |  |  |  |  |
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| ## Examiner ## Ramesh Patel ## 2121  ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 30 CPR 1.036(a). In no event, however, may a reply be finely filed  If the period from they specified above, he meantment stabutory primary of their (20) days all be considered timely.  If the Deposit or reply as pacified above, he meantment stabutory primary on their (20) days all be considered timely.  If the period from syspecified above, he meantment stabutory primary on their (20) days all be considered timely.  If the period from syspecified above, he meantment stabutory primary on the stabutory minimum of this (20) days all be considered timely.  If the period from syspecified above, he meantment stabutory primary on the stabutory minimum of this (20) days will be considered timely.  If the period from syspecified above, he meantment and the period of the stabutory primary of the stabutory primar  | :   | Application No.                    | Applicant(s)   |   |  |  |  |  |
| Ramesh Patel    The MAILING DATE of this communication appears on the cover sheet with the correspondence address  | •   | 09/538,063                         | BEHRENS ET AL. |   |  |  |  |  |
| The MALLING DATE of this communication appears on the cover sheet with the correspondence address —  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Eatherwise the immunity to wishled used the provision of 3 CER1 13(4). In no event, however, may a reply be timely filed  Eatherwise to time may be available used the provision of 3 CER1 13(4). In no event, however, may a reply be timely filed  Eatherwise to time may be available used the provision of 3 CER1 13(4). In no event, however, may a reply be timely filed  If the period for reply appendix down is like a than thety (30) days, a reply while in the stateory minimum of thirty (30) days will be considered timely.  If the period for reply appendix down, in the state of the communication, in the period for reply will be the state of the period of the communication.  Fabrical transport of the period of the period for reply will, by a state to responsive to reply will be the state of the communication, event it finely filed, may review any search adjustment. Sea 37 CFR 1.70(6).  Status  1)⊗ Responsive to communication(s) filed on 01 August 2002.  2a) This action is FINAL.  2b)⊗ This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)⊗ Claim(s) ≥ 2.64 sirare pending in the application.  5) Claim(s) is/are rejected.  7) Claim(s) is/are objected to by the Examiner.  10) The drawing(s) filed on is/are withdrawn from consideration.  5) Claim(s) is/are objected to the restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The proposed drawing correction filed on is/are: s) accepted or b)—disposed by the Examiner.  11) The proposed drawing correction filed on is/are: s) all paper voled by disapproved by the Examiner.  12) All b)  | Office Action Summary   | Examiner                           | Art Unit       |   |  |  |  |  |
| Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extension of linear trys its available under the provisions of 37 CFR 1.35(a), in no event, however, may a reply be timely filled.  Extension of linear trys its available under the provisions of 37 CFR 1.35(a), in no event, however, may a reply be timely filled.  Extension of linear trys its available under the provisions of 37 CFR 1.35(a), in no event, however, may a reply be timely be included in the provision of  |   | Ramesh Patel                       | 2121           |   |  |  |  |  |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extractions of time may be windle bear day for provided and on the provided bear day for the state of the provided in the provided in the provided or reply specified above is lies than thirty (30) days, a reply which the datulory minimum of biftiny (30) days will be considered timely.  If the period for reply specified above is lies than thirty (30) days, a reply which the datulory minimum or biftiny (30) days, a reply which the set or extended previous one of the communication of the provided or reply will be set or extended previous or the set of extended previous of the set of the communication of the provided or reply will be set or extended previous or the set of the communication of the communication of the provided or reply will be set or extended previous or the mainty and the communication of the communication of the communication or the communication of the communication or the communication of the com |   |                                    |                |   |  |  |  |  |
| 2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  22-64 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are rejected.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  is/are objected to.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a)  accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c)  None of:  1.  Certified copies of the priority documents have been received in Application No.  application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  | A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). |                                    |                |   |  |  |  |  |
| 3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4  Of the above claim(s)  | 1) Responsive to communication(s) filed on 01 A   | ugust 2002 .                       |                |   |  |  |  |  |
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| 4a) Of the above claim(s) is/are withdrawn from consideration.  5)   | · <u> </u>  |                                    |                |   |  |  |  |  |
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| 12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)  |   |                                    |                |   |  |  |  |  |
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|  | 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) Notice of Informal F            |                |   |  |  |  |  |

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## **DETAILED ACTION**

1. Claims 22-64 are present in the application. Claims 1-21 have been canceled due to the amendment filed on 8/20/2002.

## Election/Restriction

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 22-36, drawn to a computer control system which is classified in class
     700, subclass 9, supervisory control or computer control or central control.
  - II. Claims 37-42, drawn to a method for processing data signals, classified in class700, subclass 39, testing signal or processing signal.
  - III. Claims 43-47, drawn to a computer rack station including communication line or interface and display system which are connected to a control system, classified in class 700, subclass 83, having operator control interface for communication and/or control/display console.
  - IV. Claims 48-64, drawn to a control and monitoring system for a plurality of computers, classified in class 700, subclass 19, plural control controlled systems, mechanisms or elements.
- 3. The inventions are distinct, each from the other because of the following reasons:

  For instance the Group I, II, III and IV have acquired a separate status in the art because

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of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

- 4. Because these inventions are distinct for the reasons given above and the search required for Group I, II, III and IV are different, restriction for examination purposes as indicated is proper.
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 6. In accordance with M.P.E.P. 812.01 a telephone call was made by examiner Ramesh Patel, Art Unit 2121 to applicant's attorney/agent of the record. During a telephone conversation with Mr. Finn, Thomas J. (Reg. No. 48,066) on 9/26/2002 a provisional election was not made and the applicants have requested to provide formal restriction requirement in order elect proper group therefore unable to make a provisional election. Therefore, an oral election to the above restriction requirement, did not result in an election being made. Applicant is requested to elect one group out of Group I, Group III and Group IV.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Any inquiry concerning this or earlier communication from the examiner should be directed to Ramesh Patel at (703) 308-6673.

If attempts to reach the examiner by telephone are unsucessful, the examiner's supervisor, Thomas G. Black, can be reached on (703)307-9707.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800; following Fax numbers are provided for assisting applicant to make any correspondence through Facsimile to TC (Technical Center) - 2100:

After-Final

(703) 746-7238

Official

(703) 746-7239

Non-Official/Draft (703) 746-7240

RAMESH PATEL
PRIMARY EXAMINER

Art Unit-2121 September 30, 2002